

UNITED STATES COURT OF APPEALS
For The
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse at Foley Square, in the City of New York, on the 25th day of March, two thousand and two,

PRESENT: Hon. John M. Walker, Jr., *Chief Judge*
Hon. Amalya L. Kearse
Hon. Dennis Jacobs
Hon. Pierre N. Leval
Hon. Guido Calabresi
Hon. José A. Cabranes
Hon. F. I. Parker
Hon. Chester J. Straub
Hon. Rosemary S. Pooler
Hon. Robert D. Sack
Hon. Sonia Sotomayor
Hon. Robert A. Katzmann
Hon. Barrington D. Parker, Jr.

IT IS HEREBY ORDERED, in accordance with the Notice of Rule changes issued by this Court on January 9, 2002, that the Local Rules of the United States Court of Appeals for the Second Circuit are hereby amended on an interim basis by: (1) the adoption of Interim Local Rule 27(a), which replaces the current Local Rule 27(a); (2) the adoption of Interim Local Rule 28(3); and (3) the adoption of Interim Local Rule 32(d). The period for public comment on these rules extends to April 12, 2002, following which permanent adoption will be considered. Anyone wishing to comment should do so, in writing, to the Clerk of Court, 40 Foley Square, Room 1802, New York, NY, 10007.

The text of the interim rules follows:

Interim Local Rule 27. Motions.

(a) Form of Motion and Supporting Papers for Motion and Opposition Statement.

1. Form of Motion. A motion must be in writing, unless the court otherwise directs, and must conform to paragraphs (A) through (C) below.
 - (A) The front page of the motion must follow the form of the Motion Information Statement approved by the Court and contain all information required by the form.

- (B) The body of the motion, following the Motion Information Statement (T-1080 revised 12/12/01) [appended to this order], must set forth the information and legal argument necessary to support the motion, and, if emergency relief is sought, an explanation of the emergency.
- (C) Formal requirements.
 - (i) 8½ by 11 inch paper;
 - (ii) Text double spaced, except for quotations, headings and footnotes;
 - (iii) Margins of one inch on all sides;
 - (iv) Pages sequentially numbered (page numbers may be placed in the margins);
 - (v) Bound or stapled in a secure manner that does not obscure text;
 - (vi) Length: no more than 20 pages, not including attachments and the Motion Information Statement;
 - (vii) Number of copies: original plus four copies;
 - (viii) Required attachments to motion:
 - a. An affidavit (containing only statements of fact, not legal argument);
 - b. If the motion seeks substantive relief, a copy of lower court opinion or agency decision;
 - c. Any exhibits necessary to determine the motion;
 - d. Affidavit of service.

2. Non-Compliance Sanctions. If the moving party has not complied with this rule, the motion may be dismissed by the clerk without prejudice to renew upon proper papers. If application is promptly made, the action of the clerk may be reviewed by a single judge. The court may impose costs and an appropriate fine against either party for failure to comply with this rule.

Interim Local Rule 28. Briefs.

3. Each party must include, in an addendum at the end of the brief or in a Special Appendix volume as described in Local Rule 32(d), the verbatim text, with appropriate citation, of the relevant portion of any constitutional provision, treaty, statute, ordinance, Sentencing Guideline, rule, or regulation, if its interpretation or application is significant in the resolution of any issue on appeal.

Interim Local Rule 32. Form of Briefs, Appendices, and Other Papers.

- (d) If the Joint Appendix will exceed 300 pages, the parties must submit the orders and opinions being appealed in a Special Appendix. The obligation under Local Rule 28(3) to set forth the relevant portions of material rules of law may be satisfied by their inclusion in the Special Appendix volume.

These interim Local Rules are immediately effective.

IT IS SO ORDERED.

FOR THE COURT.

s/s Roseann B. Mackechnie
Roseann B. MacKechnie
Clerk of Court

Date: March 25, 2002

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
MOTION INFORMATION STATEMENT**

Caption [use short title] _____

Docket Number(s): _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____
Plaintiff **G** Defendant
 G Appellant/Petitioner **G** Appellee/Respondent

G **OPPOSING PARTY:** _____

MOVING ATTORNEY: _____
[name of attorney, with firm, address, phone number, and email]

()

OPPOSING ATTORNEY: _____ [name of
attorney, with firm, address, phone number, and email]

()

Court-Judge/Agency appealed from: _____

Please check appropriate boxes:

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS
AND INJUNCTIONS PENDING APPEAL:**

Has **consent** of opposing counsel:

- A. been sought?
B. been obtained?

G Yes **G** No
G Yes **G** No

Has request for relief been made **below**?

G Yes **G** No

Has this relief been previously sought in
In this Court?

G Yes **G** No

Is **oral argument** requested?
(requests for oral argument will not necessarily be granted)

G Yes **G** No

Requested return date and explanation of emergency:

Has **argument** date of appeal been **set**:

G Yes **G** No

If yes, enter date _____

Signature of Moving Attorney:

Date: _____

Has **service** been effected? **G** Yes **G** No
[Attach proof of service]

ORDER

Leave this space blank.

IT IS HEREBY ORDERED that the motion is **granted** **denied.**

FOR THE COURT:
ROSEANN B. MacKECHNIE, Clerk

Date: _____

By: _____